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Protection of Civilians: Background Note

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On 14 June 2004, the Under-Secretary-General for Humanitarian Affairs will present to the Security Council the fourth Report of the Secretary-General on the protection of civilians in armed conflict. The report is the product of extensive consultations with United Nations Departments, Agencies and Programmes, as well as with the International Committee of the Red Cross and key non-governmental organisations.

Since 1999, reports on the protection of civilians in armed conflict have been presented to the Security Council every eighteen months,¹ with six-monthly oral briefings provided to the Council in between. This engagement with the Security Council has proved to be key in raising Council members' awareness of, and responsiveness to, major protection concerns. The Council has adopted two resolutions (1265 of 17 September 1999 and 1296 of 19 April 2000) and four Presidential Statements on the protection of civilians in armed conflict, since the agenda was initiated five years ago.² It is hoped that a third Security Council resolution on the protection of civilians will be adopted in the coming weeks.

At the latest oral briefing to the Security Council, in December 2003, the Under-Secretary-General for Humanitarian Affairs presented the elements of a "Ten-Point Platform on the Protection of Civilians in Armed Conflict": (i) improving humanitarian access to civilians in need; (ii) improving the safety and security of humanitarian personnel; (iii) ensuring that the special protection and assistance requirements of children in armed conflict are fully addressed; (iv) ensuring that the special protection and assistance requirements of women in armed conflict are fully addressed; (v) combating impunity; (vi) ensuring the provision of the necessary resources to address the needs of vulnerable populations in "forgotten emergencies"; (vii) improving measures to respond to the security needs of refugees and internally displaced persons; (viii) addressing short-comings in our approach to DDDR; (ix) addressing the impact of small arms and light weapons on civilians; and (x) developing further measures to promote the responsibility of armed groups/non-State actors. The Ten-Point Platform embodies many of the key issues set out in the broader protection framework provided by the Aide Memoire on the protection of civilians in armed conflict, an updated version of which the Security Council adopted on 15 December 2003 (S/PRST/2003/27).

The fourth report on the protection of civilians in armed conflict examines the issues outlined in the Ten-Point Platform, and identifies specific ways in which performance could be improved. In this respect, it is based on the outcomes of two roundtables that were held earlier in the year with members of the Security Council, non-Council Member States, United Nations Departments, Agencies and Programmes, the

¹ See S/1999/957 of 8 September 1999, S/2001/331 of 30 March 2001 and S/2002/1300 of 26 November 2002.

² S/PRST/1999/6, S/PRST/2002/6, S/PRST/2002/41 and S/PRST/2003/27.

International Committee of the Red Cross and key non-governmental organisations.³ Fundamental protection concerns are illustrated in the report by a range of conflict situations, including Afghanistan, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Iraq, Liberia, Nepal, the occupied Palestinian territory, the Darfur region of the Sudan and Uganda. The report stresses, inter alia, that compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether situations of armed conflict, occupation or transition.

In addition to addressing the shortcomings in protection of civilians, the report highlights certain areas where progress has been made over the past eighteen months (e.g the extension of peacekeeping mandates to allow troops to physically protect civilians under imminent threat of violence; the inclusion of programmes for the disarmament, demobilization, reintegration and rehabilitation of combatants and of measures to protect refugees and returnees; and strong resolution language – addressed to all parties to conflict – that human rights violations and denial of humanitarian access are unacceptable). The swift deployment of troops in immediate crises of protection – for example, the deployment of EU forces in Ituri and ECOMIL forces in Liberia – is highlighted as a significant development.

The importance of the regional dimension to the protection of civilians is underscored and the increasing role of regional organisations (e.g. African Union, European Union, ECOWAS) and regional humanitarian initiatives of the United Nations (e.g. the regional workshops on the protection of civilians) are welcomed. The establishment of the ICC and the growing jurisprudence of the ICTY and ICTR are identified as important developments in the fight against impunity. The Secretary-General's Bulletin on sexual exploitation and abuse is identified as key to addressing the serious need for civilians to be protected from their protectors. Finally, the section on progress welcomes the strengthened policy framework and stronger inter-agency coordination within the UN system – reflected in the work of the ECHA Implementation Group on the protection of civilians (including the "roadmap" and the updated Aide Memoire) and the increased use of multi-disciplinary assessment missions (such as the Joint Regional Humanitarian Field Review Mission to West Africa, and the joint OCHA/DPKO mission to the DRC).

After examining each of the issues in the "Ten-Point Platform", the report addresses two key themes: regional approaches to protection and the interface between protection and peace processes. It concludes by making a number of observations about the changing protection environment, the unprecedented strain that the system of public international order (including international humanitarian law and human rights) is under, the concern that counter-terrorism measures do not always comply with human rights obligations and the need for better accountability mechanisms for the "new humanitarian actors" (e.g. private sector actors).

Protection of civilians workshops

OCHA has now completed its programme of regional workshops on the protection of civilians in armed conflict. These regional workshops, which enabled effective information dissemination and advocacy on protection issues, brought together representatives of Governments, UN country teams and civil society organizations to identify and address the major regional protection concerns. Several of the workshops have generated local protection initiatives. A total of seven regional workshops were held: Southern Africa (South Africa, 15-17 October 2002), East Asia-Pacific (Japan, 14-15 November 2002), Europe and the Balkans (United Kingdom, 25-29 November 2002), West Africa (Ghana, 19-21 May 2003), the South Pacific (Fiji, 3-5 June 2003), South Asia (Sri Lanka, 28-30 October 2003) and Latin America (Mexico, 16-18 March 2004).

³ The first roundtable was held on 23 March and was hosted by the Permanent Mission of Canada; the second roundtable was held on 14 April 2004 and was hosted by the Permanent Mission of Norway.

On 24-25 June 2004, a country-level workshop on the protection of civilians in armed conflict will be held in Uganda. The objective of this workshop, participants in which will include senior representatives of Government departments, their UN country team counterparts, key international donors and NGOs, is to reach agreement on key protection of civilians objectives and to identify concrete measures to make progress on specific protection issues. The country-level workshop that had been planned for Indonesia has been postponed indefinitely.

Prepared by OCHA, June 2004